



STATE OF HAWAII  
HAWAII STATE PUBLIC LIBRARY SYSTEM  
OFFICE OF THE STATE LIBRARIAN  
44 MERCHANT STREET  
HONOLULU, HAWAII 96813

March 15, 2016

TO: The Honorable Grant Chun  
Chairperson  
Finance and Infrastructure Committee  
Board of Education

FROM: Stacey A. Aldrich  
State Librarian

A blue ink signature of Stacey A. Aldrich, written in a cursive style.

SUBJECT: Committee Action on the following Board of Education Policies:  
E600.1, Collection Development; E600.5, Hawaii State Public Library  
System Internet Access; 9020, Access to Hawaii State Public Library  
System Facilities; and the addition of a Hawaii State Public Library  
System Wireless Security Disclaimer

RECOMMENDATION

Upon request from the Board of Education, all current Board of Education policies that relate to the Hawaii Public Library System have been reviewed by the Administrative Team. The team not only reviewed our policies and discussed with staff, but reviewed best practice and language used by other public libraries. We are recommending the following changes to update and create clarity for our patrons.

POLICY NUMBER	POLICY TITLE	OVERVIEW OF REVISIONS	EXHIBIT
E600.1	Collection Development	The revised version focus on the collection development of the library and includes updated criteria to address new formats.	A Includes revised & original
E600.5	Internet Acceptable Use	The revision updates language and adds more specific language around responsibilities of users and expectations of the library.	B Includes revised & original with mark-ups
RENUMBER 9020	Access to System Facilities	It appears this policy was accidentally left out when the new numbering scheme was implemented. For consistency we recommend a change from 9020 to E600.6.	C

POLICY NUMBER	POLICY TITLE	OVERVIEW OF REVISIONS	EXHIBIT
New E600.7	Wireless Security Disclaimer and Use	We offer wireless connectivity in all 50 branches. We want to make sure that patrons are aware of the risks and understand expectations for the use of wireless connectivity.	D

**RECOMMENDED EFFECTIVE DATE**

We are seeking input from the Board of Education to ensure we are meeting any concerns that the Board may have related to the clarity of the language.

Once the feedback has been received by the Board of Education Finance and Infrastructure Committee, HSPLS will make changes and have one more review by the AG's Office to ensure the language is clear and appropriate.

We are targeting approval and effective date by May 2016 from the Board of Education.

# **DRAFT**

## **HAWAII STATE PUBLIC LIBRARY SYSTEM COLLECTION DEVELOPMENT POLICY**

The Hawai'i State Public Library System (HSPLS) is a statewide system of libraries consisting of the Hawai'i State Library (HSL), the Library for the Blind and Physically Handicapped (LBPH), regional libraries, community libraries, and public/school libraries.

By constitutional provision<sup>1</sup> by statute<sup>2</sup>, and by Executive Order<sup>3</sup>, HSPLS provides general and special library services for all individuals and groups in the state.

In accordance with the mission of the Hawai'i State Public Library System, the library selects materials in a variety of formats and languages to serve the needs of the community and to provide a broad and relevant collection. Selection is based on awareness of community interests and concerns, local, national and international issues and events, publishing trends, new insights, societal trends, and the professional judgment of selectors regarding the material's value to the Library's collection. It is the Library's intention that the collection reflects the diversity of the State of Hawai'i.

### Access

The Library will uphold the freedom to read as expressed in the Library Bill of Rights, the Freedom to Read Statement and the Freedom to View Statement adopted by the American Library Association (see links to documents below). While anyone is free to select or reject materials for themselves or their own minor children, the freedom of others to read or inquire will not be restricted. The Library does not stand in loco parentis (in the place of parents). Parents and guardians, not the Library or staff, have the responsibility to guide and direct the reading, listening, and viewing choices of their own minor children

### Responsibility of Selection

Responsibility for selection policy resides with the state librarian and the Board of Education. Decisions regarding the selection of books and other resources are the responsibility of the public service librarians of the state library system<sup>4</sup>.

### Selection Criteria

HSPLS selects materials for its collection for audiences of all ages in whatever format is most appropriate in accordance with professionally accepted guidelines. No material will be excluded because of the race, nationality, religion, gender, sexual orientation, political or social views of the author. Selection of materials does not imply agreement with, approval or endorsement of the content, viewpoint, implication, or expression of the material.

<sup>1</sup> Article X, Section 1, State Constitution, 1993 edition

<sup>2</sup> Act of 1959, Act I, Section 18, 2<sup>nd</sup> Special Session, First State Legislature 1959

<sup>3</sup> Executive Order No. 19, dated September 30, 1961

Presented to BOE Finance & Infrastructure Committee

March 15, 2016

Electronic resources such as e-books, e-serials (including journals), government documents, databases (including locally mounted, full text or not), electronic files, reference tools, scores, maps, or pictures in electronic or digital format, including materials digitized by the library, are subject to the same general selection criteria as other materials.

General criteria:

- Present and potential relevance to community needs
- Suitability of format or physical form for library use
- Suitability of subject and style for intended audience
- Relevance of the item as an artifact
- Relevance of item for its historic significance
- Availability in multiple formats
- Cost
- Relevance to current trends and events
- Relation to the existing collection
- Attention by critics and reviewers
- Potential user appeal
- Requests from patrons

Content criteria for selection:

- Comprehensiveness
- Skill, competence and purpose of author or publisher
- Reputation and qualifications of the author or publisher
- Consideration of the work as a whole
- Currency
- Objectivity
- Clarity
- Technical quality
- Representation of diverse points of view
- Representation of movements, subjects, genres or trends of lasting patron interest
- Artistic presentation and/or experimentation
- Sustained interest/demand
- Relevance and use of the information
- Relevance to local history collections
- Provides unique contribution to a field of study

Additional Criteria for Electronic Formats

- Ease of use of the product
- Availability of the product to multiple, concurrent users
- Technical and support requirements needed for access to the product

Copyright

The Library recognizes and respects intellectual property rights and conforms to legislative mandates regarding copyright protections.

## Gifts and Donations

HSPLS accepts monetary gifts to enhance our materials collection. Gifts of material are subject to the evaluation criteria stated for the selection of materials. Additionally, the library must consider cataloging, processing, and shelving costs before adding materials. Donations are accepted with the understanding that HSPLS has the right to determine the disposition of gift items. Materials not accepted are offered to the Friends of the Library for their book sales.

## Collection Maintenance (Weeding)

Staff relies on a set of criteria to guide on-going collection maintenance decisions. Based on the evaluation, materials may either be kept, replacement copies may be purchased, materials may be preserved to ensure long term retention, or materials may be permanently withdrawn from the collection. Not all criteria will be applied to each de-selection decision.

### General criteria for de-selection:

- Format or physical condition is no longer suitable for library use
- Content is available in multiple formats
- Age and condition of the item is unsuitable for library circulation
- Obsolescence – information that is no longer timely, accurate or relevant
- Insufficient use or lack of patron demand
- Little or no relevance to current trends and events
- No long-term or historical significance
- Space limitations
- Sufficient number of copies in the collection
- Easy availability in other collections locally or nationally

## Reconsideration of Library Materials

HSPLS recognizes the rights of individuals to question materials in the collection. Objections must be submitted in writing on the Patron Request for Reevaluation of Library Material form. Retention or removal of materials is based on conformity to the selection criteria. Materials under question will remain in the active collection until a determination is made.

### Links to Documents:

- A. Library Bill of Rights - <http://www.ala.org/advocacy/intfreedom/librarybill/>
- B. The Freedom to Read Statement  
<http://www.ala.org/advocacy/intfreedom/statementspols/freedomreadstatement/>
- C. Freedom to View  
<http://www.ala.org/advocacy/intfreedom/statementspols/freedomviewstatement>
- D. Patron Request for Reevaluation of Library Materials – HSPLS Form

## **HAWAII STATE PUBLIC LIBRARY SYSTEM PATRON REQUEST FOR REEVALUATION OF LIBRARY MATERIAL**

Please take time to complete the following form to help us understand your concerns. It is important for you to provide contact information, so that we may follow-up with you.

**DATE:**

### **CONTACT INFORMATION**

<b>Name:</b>	
<b>Address:</b>	
<b>City, State, Zip</b>	
<b>Email address:</b>	
<b>Are you representing</b>	Self      Organization/Group
<b>If representing an organization or group, please identify:</b>	

### **MATERIAL**

<b>Title:</b>	
<b>Publisher:</b>	
<b>Date:</b>	

### **ADDITIONAL REQUIRED INFORMATION**

1. How did you learn about the material in question?
2. How much of this material did you read and/or examine?
3. Have you read any reviews of the material? If yes, please indicate the name of the reviewer and/or the publication in which it appeared.
4. What do you believe is the theme of the material?
5. What specifically is objectionable about the material? Please be specific and cite pages.
6. What do you feel might be the result of reading, seeing or listening to this material?
7. Is it suitable for some age groups?
8. Is there anything worthwhile in the material?
9. What would you like for us to do about this material?
10. What substitute would you recommend to replace the material?

**POLICY 600.1****COLLECTION DEVELOPMENT**Deleted: **POLICY**

The Hawaii State Public Library System (HSPLS) is a statewide system of libraries consisting of the Hawai'i State Library (HSL), the Library for the Blind and Physically Handicapped (LBPH), regional libraries, community libraries, and public/school libraries.

Deleted: ..

By constitutional provision<sup>1</sup>, by statute<sup>2</sup>, and by Executive Order<sup>3</sup>, HSPLS provides general and special library services for all individuals and groups in the state.

The mission of the Hawai'i State Public Library System is to provide Hawai'i's residents, in all walks of life, and at each stage of their lives, with access to education, information, programs and services, and to teach and nurture the love of reading and the habit of life-long learning.<sup>4</sup>

**Responsibility for Selection**

Responsibility for selection policy resides with the state librarian and the Board of Education. Decisions regarding the selection of books and other resources are the responsibility of the public service librarians of the state library system.<sup>5</sup>

**General Policy**

Materials selection requires professional knowledge and experience, knowledge of relevant subjects and their literature, and the judgment of trained staff. Selectors in each library consider both the needs of the community, and the content and scope of materials in the collection. The library system serves a public embracing a wide range of ages, education and cultural backgrounds. Selectors choose materials in accordance with law on a range of subjects and intellectual levels in various languages and formats.

Selectors at community and public/school libraries are responsible for a collection which meets the day-to-day needs of its users. Librarians at regional libraries are responsible for a collection which, in addition to meeting the day-to-day needs of the public in its immediate vicinity, also provides supplemental materials for use within its region. The Hawaii State Library director and subject specialists of this large metropolitan library are responsible for the collections which meet the needs of their users as well as serve as a resource of in-depth materials for public libraries

<sup>1</sup>Article X, Section 1, State Constitution of Hawaii, 1993 edition

<sup>2</sup>Act of 1959, Act 1, Section 18, 2nd Special Session, First State Legislature 1959

<sup>3</sup>Executive Order No. 19, dated September 30, 1961

<sup>4</sup>Hawai'i State Public Library System Master Plan, July 20, 2000. Board of Education

approved on July 20,  
2000

<sup>5</sup>Hawai'i Revised Statutes 312-3.9(b)

Collection Development Policy  
Rev. January 2001

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throughout the state. The Library for the Blind and Physically Handicapped selectors are responsible for developing a collection of materials in special formats to meet the needs of blind and handicapped users throughout the state and the U.S. territories in the Pacific.

In addition, a limited number of materials are selected by committees of public service librarians for which funds are set aside for specific statewide purposes.

In support of the Hawai'i State Public Library System's mission to provide free access to information, HSPLS subscribes to the American Library Association's (ALA) Library Bill of Rights and to the ALA Council's interpretations. These documents are Appendixes A-N. HSPLS considers objections to materials in the collection when these objections are submitted in writing on the Hawaii State Public Library System Patron Request for Reevaluation of Library Material form (Appendix O). Retention or removal of materials is based on their conformity to the selection criteria.

Selectors consider one or more of, but are not limited to, the following criteria:

1. Accuracy
2. Readability
3. Current usefulness
4. Literary and artistic excellence
5. Historical, cultural, ethnic interests
6. Cost
7. Popular demand
8. Size and type of library
9. Appropriateness of format

#### Gifts

Gifts are accepted subject to the same selection criteria which are applied to purchased materials. Libraries do not assume the obligation to return unsolicited materials.

#### Weeding



HSPLS maintains a program of withdrawing and discarding (weeding) materials. Staff consider one or more of, but are not limited to, the following criteria:

1. Worn or damaged condition
2. Dated information
3. Duplication
4. Lack of demand
5. Limited space

Collection Development Policy  
Rev. January 2001

## APPENDIX A

### Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948.  
Amended February 2, 1961, and January 23, 1980,  
inclusion of "age" reaffirmed January 23, 1996,  
by the ALA Council.

**ACCESS FOR CHILDREN AND YOUNG PEOPLE TO VIDEOTAPES  
AND OTHER NON PRINT FORMATS**

**An Interpretation of the *LIBRARY BILL OF RIGHTS***

Library collections of videotapes, motion pictures, and other nonprint formats raise a number of intellectual freedom issues, especially regarding minors.

The interests of young people, like those of adults, are not limited by subject, theme, or level of sophistication. Librarians have a responsibility to ensure young people have access to ,materials and services that reflect diversity of sufficient to meet their needs.

To guide librarians and others in resolving these issues, the American Library Association provides the following guidelines.

Article V of the *Library Bill of Rights* says, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views."

ALA's Free Access to Libraries for Minors: An Interpretation of the *Library Bill of Rights* states:

The "right to use a library includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, or legal emancipation of users violates Article V.

...[P]arents--and only parents--have the right and the responsibility to restrict the access of their children--and only their children--to library resources. Parent or legal guardians who do not want their children to have access to certain library services, materials or facilities, should so advise their children. Librarians and governing bodies cannot assume the role of parent or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies have a public and professional obligation to provide equal access to all library resources for all library users.

Policies which set minimum age limits for access to videotapes and/or other audiovisual materials and equipment, with or without parental permission, abridge library use for minors. Further, age limits based on the cost of the materials are unacceptable. Unless directly and specifically prohibited by law from circulating certain motion pictures and video productions to minors, librarians should apply the same standards to circulation of these materials as are applied to books and other materials.

Recognizing that libraries cannot act in loco parentis, ALA acknowledges and supports the exercise by parents of their responsibility to guide their own children's reading and viewing. Published reviews of films and videotapes and/or reference works which provide information about the content, subject matter, and recommended audiences can be made available in conjunction with nonprint collections to assist parents in guiding their children without implicating the library in censorship. This material may include information provided by video producers and distributors, promotional material on videotape packaging, and Motion Picture Association of America (MPAA) ratings *if they are included on the tape or in the packaging by the original publisher* and/or if they appear in review sources or reference works included in the library's collection. Marking out or removing ratings information from videotape packages constitutes expurgation or censorship.

MPAA and other rating services are private advisory codes and have no legal standing\*. For the library to add such ratings to the materials if they are not already there, to post a list of such ratings to the materials if they are not already there, to post a list of such ratings with a collection, or attempt to enforce such ratings through circulation policies or other procedures constitutes labeling, "an attempt to prejudice attitudes" about the material, and is unacceptable. The application of locally generated ratings schemes intended to provide content warnings to library users is also inconsistent with the *Library Bill of Rights*.

\*For information on case law, please contact the ALA Office for Intellectual Freedom.

See also: "Statement on Labeling" and "Expurgation of Library Materials," Interpretation of the *Library Bill of Rights*.

Adopted June 28, 1989, by the ALA Council; the quotation from Free Access to Libraries for Minors was changed after Council adopted the July 3, 1991, revision of that Interpretation.

[ISBN 8389-7351-5]

## APPENDIX C

### **Access to Electronic Information, Services, and Networks: an Interpretation of the LIBRARY BILL OF RIGHTS**

#### **INTRODUCTION**

The world is in the midst of an electronic communications revolution. Based on its constitutional, ethical, and historical heritage, American librarianship is uniquely positioned to address the broad range of information issues being raised in this revolution. In particular, librarians address intellectual freedom from a strong ethical base and an abiding commitment to the preservation of the individual's rights.

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedom of speech and the corollary right to receive information. These rights extend to minors as well as adults. Libraries and librarians exist to facilitate the exercise of these rights by selecting, producing, providing access to, identifying, retrieving, organizing, providing instruction in the use of, and preserving recorded expression regardless of the format or technology.

The American Library Association expresses these basic principles of librarianship in its *Code of Ethics* and in the *Library Bill of Rights* and its Interpretations. These serve to guide librarians and library governing bodies in addressing issues of intellectual freedom that arise when the library provides access to electronic information, services, and networks.

Issues arising from the still-developing technology of computer-mediated information generation, distribution, and retrieval need to be approached and regularly reviewed from a context of constitutional principles and ALA policies so that fundamental and traditional tenets of librarianship are not swept away.

Electronic information flows across boundaries and barriers despite attempts by individuals, governments, and private entities to channel or control it. Even so, many people, for reasons of technology, infrastructure, or socio-economic status do not have access to electronic information.

In making decisions about how to offer access to electronic information, each library should consider its mission, goals, objectives, cooperative agreements, and the needs of the entire community it serves.

### **The Rights of Users**

All library system and network policies, procedures or regulations relating to electronic resources and services should be scrutinized for potential violation of user rights.

User policies should be developed according to the policies and guidelines established by the American Library Association, including *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities*.

Users should not be restricted or denied access for expressing or receiving constitutionally protected speech. Users' access should not be changed without due process, including, but not limited to, formal notice and a means of appeal.

Although electronic systems may include distinct property rights and security concerns, such elements may not be employed as subterfuge to deny users' access to

information. Users have the right to be free of unreasonable limitations or conditions set by libraries, librarians, system administrators, vendors, network service providers, or others. Contracts, agreements, and licenses entered into by libraries on behalf of their users should not violate this right. Users also have a right to information, training and assistance necessary to operate the hardware and software provided by the library.

Users have both the right of confidentiality and the right of privacy. The library should uphold these rights by policy, procedure, and practice. Users should be advised, however, that because security is technically difficult to achieve, electronic transactions and files could become public.

The rights of users who are minors shall in no way be abridged.<sup>1</sup>

### **Equity of Access**

Electronic information, services, and networks provided directly or indirectly by the library should be equally, readily and equitably accessible to all library users. American Library Association policies oppose the charging of user fees for the provision of information services by all libraries and information services that receive their major support from public funds (50.3; 53.1.14;60.1;61.1). It should be the goal of all libraries to develop policies concerning access to electronic resources in light of *Economic Barriers to Information Access. an Interpretation of the Library Bill of Rights and Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities.*

### **Information Resources and Access**

Providing connections to global information, services, and networks is not the same as selecting and purchasing materials for a library collection. Determining the accuracy or authenticity of electronic information may present special problems. Some information accessed electronically may not meet a library's selection or collection development policy. It is, therefore, left to each user to determine what is appropriate. Parents and legal guardians who are concerned about their children's use of electronic resources should provide guidance to their own children.

<sup>1</sup>*See: Free Access to Libraries for Minors: an Interpretation of the Library Bill of Rights; Access to Resources and Services in the School Library Media Program; and Access for Children and Young People to Videotapes and Other Nonprint Formats.*

Libraries and librarians should not deny or limit access to information available via electronic resources because of its allegedly controversial content or because of the librarian's personal beliefs or fear of confrontation. Information retrieved or utilized electronically should be considered constitutionally protected unless determined otherwise by a court with appropriate jurisdiction.

Libraries, acting within their mission and objectives, must support access to information on all subjects that serve the needs or interests of each user, regardless of the user's age or the content of the material. Libraries have an obligation to provide access to government information available in electronic format. Libraries and librarians should not deny access to information solely on the grounds that it is perceived to lack value.

In order to prevent the loss of information, and to preserve the cultural record, libraries may need to expand their selection or collection development policies to ensure preservation, in appropriate formats, of information obtained electronically.

Electronic resources provide unprecedented opportunities to expand the scope of information available to users. Libraries and librarians should provide access to information presenting all points of view. The provision of access does not imply sponsorship or endorsement. These principles pertain to electronic resources no less than they do to the more traditional sources of information in libraries.<sup>2</sup>

*Adopted by the ALA Council, January 24, 1996*

[ISBN: 8389-7830-4]

<sup>2</sup>*See: Diversity in Collection Development: an Interpretation of the Library Bill of Rights.*

#### APPENDIX D

### **ACCESS TO LIBRARY RESOURCES AND SERVICES REGARDLESS OF GENDER OR SEXUAL ORIENTATION An Interpretation of the LIBRARY BILL OF RIGHTS**

American libraries exist and function within the context of a body of laws derived from the United States Constitution and the First Amendment. The *Library Bill of Rights* embodies the basic policies which guide libraries in the provision of services, materials, and programs.

In the preamble to its *Library Bill of Rights*, the American Library Association affirms that *all* [emphasis added] libraries are forums for information and ideas. This concept of *forum* and its accompanying principle of *inclusiveness* pervade all six Articles of the *Library Bill of Rights*.

The American Library Association stringently and unequivocally maintains that libraries and librarians have an obligation to resist efforts that systematically exclude materials dealing with any subject matter, including gender or sexual orientation:

! Article I of the *Library Bill of Rights* states that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation." The

Association affirms that books and other materials coming from gay presses, gay, lesbian, or bisexual authors or other creators, and materials regardless of format or services dealing with gay lifestyles are protected by the *Library Bill of Rights*. Librarians are obligated by the *Library Bill of Rights* to endeavor to select materials without regard to the gender or sexual orientation of their creators by using the criteria identified in their written, approved selection policies (ALA policy 53.1.5).

! Article II maintains that "Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Library services, materials, and programs representing diverse points of view on gender or sexual orientation should be considered for purchase and inclusion in library collections and programs. (ALA policies 53.1.1, 53.1.9, and 53.1.11). The Association affirms that attempts to proscribe or remove materials dealing with gay or lesbian life without regard to the written, approved selection policy violate this tenet and constitute censorship.

! Articles III and IV mandate that libraries "challenge censorship" and cooperate with those "resisting abridgement of free expression and free access to ideas."

! Article V holds that "A person's right to use a library should not be denied or abridged because of origin, age, background or views." In the *Library Bill of Rights* and all its Interpretations, it is intended that : "origin" encompasses all the characteristics of individuals that are inherent in the circumstances of their birth; "age" encompasses all the characteristics of individuals that are inherent in their levels of development and maturity; "background" encompasses all the characteristics of individuals that are a result of their life experiences; and "views" encompasses all the opinions and beliefs held and expressed by individuals.

Therefore, Article V of the Library Bill of Rights mandates that library services, materials, and programs be available to all members of the community the library serves, without regard to gender or sexual orientation. This includes providing youth with comprehensive sex education literature (ALA Policy 52.5.2).

! Article VI maintains that "Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use." This protection extends to all groups and members of the community the library serves, without regard to gender or sexual orientation.

The American Library Association holds that any attempt, be it legal or extra-legal, to regulate or suppress library services, materials, or programs must be resisted in order that protected expression is not abridged. Librarians have a professional obligation to ensure that all library users have free and equal access to the entire range of library services, materials, and programs. Therefore, the Association strongly opposes any

effort to limit access to information and ideas. The Association also encourages librarians to proactively support the First Amendment rights of all library users, regardless of gender or sexual orientation.

Adopted June 30, 1993; amended July 12, 2000, by the ALA Council.

[ISBN 8389-7701-4]

## APPENDIX E

### CHALLENGED MATERIALS

#### ***An Interpretation of the LIBRARY BILL OF RIGHTS***

The American Library Association declares as a matter of firm principle that it is the responsibility of every library to have a clearly defined materials selection policy in written form which reflects the *Library Bill of Rights*, and which is approved by the appropriate governing authority.

Challenged materials which meet the criteria for selection in the materials selection policy of the library should not be removed under any legal or extra-legal pressure. The Library Bill of Rights states in Article I that "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," and in Article II, that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval." Freedom of expression is protected by the Constitution of the United States, but constitutionally protected expression is often separated from unprotected expression only by a dim and uncertain line. The Constitution requires a procedure designed to focus searchingly on challenged expression before it can be suppressed. An adversary hearing is a part of this procedure.

Therefore, any attempt, be it legal or extra-legal, to regulate or suppress materials in libraries must be closely scrutinized to the end that protected expression is not abridged.

Adopted June 25, 1971; amended July 1, 1981; amended January 10, 1990, by the ALA Council.

[ISBN 8389-6083-0]

## APPENDIX F

### DIVERSITY IN COLLECTION DEVELOPMENT

#### ***An Interpretation of the LIBRARY BILL OF RIGHTS***

Throughout history, the focus of censorship has fluctuated from generation to generation. Books and other materials have not been selected or have been removed



from library collections for many reasons, among which are prejudicial language and ideas, political content, economic theory, social philosophies, religious beliefs, sexual forms of expression, and other topics of a potentially controversial nature.

Some examples of censorship may include removing or not selecting materials because they are considered by some as racist or sexist; not purchasing conservative religious materials; not selecting materials about or by minorities because it is thought these groups or interests are not represented in a community; or not providing information on or materials from non-mainstream political entities.

Librarians may seek to increase user awareness of materials on various social concerns by many means, including, but not limited to, issuing bibliographies and presenting exhibits and programs.

Librarians may seek to increase user awareness of materials on various social concerns by many means, including, but not limited to, issuing bibliographies and presenting exhibits and programs.

Librarians have a professional responsibility to be inclusive, not exclusive, in collection development and in the provision of interlibrary loan. Access to all materials legally obtainable should be assured to the user, and policies should not unjustly exclude materials even if they are offensive to the librarian or the user. Collection development should reflect the philosophy inherent in Article II of the *Library Bill of Rights*: "Libraries should provide materials and be proscribed or removed because of partisan or doctrinal disapproval." A balanced collection reflects a diversity of materials, not an equality of numbers. Collection development and the selection of materials should be done according to professional standards and established selection and review procedures.

There are many complex facets to any issue, and variation of context in which issues may be expressed, discussed, or interpreted. Librarians have a professional responsibility to be fair, just and equitable and to give all library users equal protection in guarding against violation of the library patron's right to read, view, or listen to materials and resources protected by the First Amendment, no matter what the viewpoint of the author, creator, or selector. Librarians have an obligation to protect library collections from removal of materials based on personal bias or prejudice, and to select and support the access to materials on all subjects that meet, as closely as possible, the needs and interests of all persons in the community which the library serves. This includes materials that reflect political, economic, religious, social, minority, and sexual issues.

Intellectual freedom, the essence of equitable library services, provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. Toleration is meaningless without tolerance for what some may consider detestable. Librarians cannot justly permit their own preferences to limit

their degree of tolerance in collection development, because freedom is indivisible.

Adopted in July 14, 1982; amended January 10, 1990, by the ALA Council.

[ISBN 8389-6552-0]

## APPENDIX G

### **ECONOMIC BARRIERS TO INFORMATION ACCESS**

#### **An Interpretation of the LIBRARY BILL OF RIGHTS**

A democracy presupposes an informed citizenry. The First Amendment mandates the right of all persons to free expression, and the corollary right to receive the constitutionally protected expression of others. The publicly supported library provides free and equal access to information for all people of the community the library serves. While the roles, goals and objective of publicly supported libraries may differ, they share this common mission.

The library's essential mission must remain the first consideration for librarians and governing bodies faced with economic pressures and competition for funding.

In support of this mission, the American Library Association has enumerated certain principles of library services in the *Library Bill of Rights*.

#### **Principles Governing Fines, Fees and User Charges**

Article I of the *Library Bill of Rights* states:

Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves.

Article V of the *Library Bill of Rights* states:

A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

The American Library Association opposes the charging of user fees for the provision of information by all libraries and information services that receive their major support from public funds. All information resources that are provided directly or indirectly by the library, regardless of technology, format, or methods of delivery, should be readily, equally and equitably accessible to all library users.

Libraries that adhere to these principles systematically monitor their programs of service for potential barriers to access and strive to eliminate such barriers when they occur. All library policies and procedures, particularly those involving fines, fees or other user charges, should care, so as not to infringe on or interfere with the provision or delivery of information and resources for all users. Services should be re-evaluated on a regular

basis to ensure that the library's basic mission remains uncompromised.

Librarians and governing bodies should look for alternative models and methods of library administration that minimize distinctions among users based on their economic status or financial condition. They should resist the temptation to impose user fees to alleviate financial pressures, at a long term cost to institutional integrity and public confidence in libraries.

Library services that involve the provision of information, regardless of format, technology, or method of delivery, should be made available to all library users on an equal and equitable basis. Charging fees for the use of library collections, services, programs, or facilities that were for some members of the community because they reinforce distinctions among users based on their ability and willingness to pay.

APPENDIX H

### **Evaluating Library Collections:**

#### ***An Interpretation of the Library Bill of Rights***

The continuous review of library materials is necessary as a means of maintaining an active library collection of current interest to users. In the process, materials may be added and physically deteriorated or obsolete materials may be replaced or removed in accordance with the collection maintenance policy of a given library and the needs of the community it serves. Continued evaluation is closely related to the goals and responsibilities of libraries and is a valuable tool of collection development. This procedure is not to be used as a convenient means to remove materials presumed to be controversial or disapproved of by segments of the community. Such abuse of the evaluation function violates the principles of intellectual freedom and is in opposition to the Preamble and Articles 1 and 2 of the *Library Bill of Rights*, which state:

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

The American Library Association opposes such "silent censorship" and strongly urges that libraries adopt guidelines setting forth the positive purposes and principles of

evaluation of materials in library collections.

Adopted February 2, 1973; amended July 1, 1981, by the ALA Council.

[ISBN 8389-5406-5]

## APPENDIX I

### **EXPURGATION OF LIBRARY MATERIALS**

#### ***An Interpretation of the Library Bill of Rights***

Expurgating library materials is a violation of the *Library Bill of Rights*. Expurgation as defined by this interpretation includes any deletion, excision, alteration, editing, or obliteration of any part(s) of books or other library resources by the library, its agent, or its parent institution (if any). By such expurgation, the library is in effect denying access to the complete work and the entire spectrum of ideas that the work intended to express. such action stands in violation of Articles 1, 2, and 3 of the *Library Bill of Rights*, which state "Materials should not be excluded because of the origin, background, or views of those contributing to their creation," that "Materials should not be proscribed or removed because of partisan or doctrinal disapproval," and that "Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment."

The act of expurgation has serious implications. It involves a determination that is necessary to restrict access tot the complete work. This is censorship. When a work is expurgated, under the assumption that certain portions of that work would be harmful to minors, the situation is no less serious.

Expurgation of any books or other library resources imposes a restriction, without regard to the rights and desires of all library users, by limiting access to ideas and information.

Further, expurgation without written permission from the holder of the copyright on the material may violate the copyright provisions of the United States Code.

Adopted February 2, 1973; amended July 1, 1981; amended January 10, 1990, by the ALA Council.

[[ISBN 8389-5419-7]

## APPENDIX J

### **FREE ACCESS TO LIBRARIES FOR MINORS**

#### ***An Interpretation of the LIBRARY BILL OF RIGHTS***

Library policies and procedures which effectively deny minors equal access to all library resources available to other users violate the Library Bill of Rights. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, or legal emancipation of users violates Article V.

Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities which fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, level of education, or legal emancipation.

The selection and development of library resources should not be diluted because of minors having the same access to library resources as adult users. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Librarians and governing bodies should not resort to age restrictions on access to library resources in an effort to avoid actual or anticipated objections from parents or anyone else. The mission, goals, and objectives of libraries do not authorize librarians or governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents or legal guardians. Librarians and governing bodies should maintain that parents--and only parents--have the right and the responsibility to restrict the access of their children--and only their children--to library resources. Parents or legal guardians who do not want their children to have access to certain library services, materials or facilities, should so advise their children. Librarians and governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child. Librarians and governing bodies have a public and professional obligation to provide equal access to all library resources for all library users.

Librarians have a professional commitment to ensure that all members of the community they serve have free and equal access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of

library service applies equally to all users, minors as well as adults. Librarians and governing bodies must uphold this principle in order to provide adequate and effective service to minors.

Adopted June 30, 1972; amended July 1, 1981; July 3, 1991, by the ALA Council.

[ISBN 8389-7549-6]

## APPENDIX K

### **Principles Governing Conditions of Funding**

Article II of the *Library Bill of Rights* states:

Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

Article III of the *Library Bill of Rights* states:

Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

Article IV of the *Library Bill of Rights* states:

Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas.

The American Library Association opposes any legislative or regulatory attempt to impose content restrictions on library resources, or to limit user access to information, as a condition of funding for publicly supported libraries and information services.

The First Amendment guarantee of freedom of expression is violated when the right to receive that expression is subject to arbitrary restrictions based on content. Librarians and governing bodies should examine carefully any terms or conditions attached to library funding and should oppose attempts to limit through such conditions full and equal access to information because of content. This principle applies equally to private gifts or bequests and to public funds. In particular, librarians and governing bodies have an obligation to reject such restrictions when the effect of the restriction is to limit equal and equitable access to information.

Librarians and governing bodies should cooperate with all efforts to create a community consensus that public supported libraries require funding unfettered by restrictions. Such a consensus supports the library mission to provide the free and unrestricted exchange of information and ideas necessary to a functioning democracy.

The Association's historic position in this regard is stated clearly in a number of Association policies: 50.4 Free Access to Information, 50.9 Financing of Libraries, 51.2

Equal Access to Library Service, 51.3 Intellectual Freedom, 53 Intellectual Freedom Policies, 59.1 Policy Objectives, and 60 Library Services for the Poor.  
Adopted by the ALA Council, June 30, 1993.

[ISBN 8389-7702-2]

## APPENDIX L

### **RESTRICTED ACCESS TO LIBRARY MATERIALS**

#### **An Interpretation of the LIBRARY BILL OF RIGHTS**

Libraries are a traditional forum for the open exchange of information. Attempts to restrict access to library materials violate the basic tenets of the *Library Bill of Rights*.

Historically, attempts have been made to limit access by relegating materials into segregated collections. These attempts are in violation of established policy. Such collections are often referred to by a variety of names, including "closed shelf," "locked case," "adults only," "restricted shelf," or "high demand." Access to some materials also may require a monetary fee or financial deposit. More recently, some libraries have applied filtering software to their Internet stations that prevent users from finding targeted categories of information, much of which is constitutionally protected. In any situation which restricts access to certain materials, a barrier is placed between the patron and those materials. That barrier may be age related, linguistic, economic, or psychological in nature.

Because restricted materials often deal with controversial, unusual, or "sensitive" subjects, having to ask a librarian or circulation clerk for access to them may be embarrassing or inhibiting for patrons desiring the materials. Needing to ask for materials may pose a language barrier or a staff service barrier. Because restricted materials often feature information that some library patrons consider "objectionable," the potential user may be predisposed to think of the materials as "objectionable" and, therefore, are reluctant to ask for access to them.

Barriers between the materials and the patron which are psychological, or are affected by language skills, are nonetheless limitations on access to information. Even when a title is listed in the catalog with a reference to its restricted status, a barrier is placed between the patron and the publication (See also "Statement on Labeling.")

There may be, however, countervailing factors to establish policies to protect library materials- specifically, for reasons of physical preservation including protection from theft or mutilation. Any such policies must be carefully formulated and administered with extreme attention to the principles of intellectual freedom. This caution is also in keeping with ALA policies, such as "Evaluating Library Collections," "Free Access to

Libraries for Minors," and the "Preservation Policy."

Finally, in keeping with the "Joint Statement on Access" of the American Library Association and Society of American Archivists, restrictions that result from donor agreements or contracts for special collections materials must be similarly circumscribed. Permanent exclusions are not acceptable. The overriding impetus must be to work for free and unfettered access to all documentary heritage.

Adopted February 2, 1973; amended July 1, 1981; July 3, 1991; July 12, 2000, by the ALA Council.

[ISBN 8389-7552-6]

## APPENDIX M

### STATEMENT ON LABELING

#### **An Interpretation of the *LIBRARY BILL OF RIGHTS***

Labeling is the practice of describing or designating materials by affixing a prejudicial label and/or segregating them by a prejudicial system. The American Library Association opposes these means of predisposing people's attitudes toward library materials for the following reasons:

1. Labeling is an attempt to prejudice attitudes and as such, it is a censor's tool.
2. Some find it easy and even proper, according to their ethics, to establish criteria for judging publications as objectionable. However, injustice and ignorance rather than justice and enlightenment result from such practices, and the American Library Association opposes the establishment of such criteria.
3. Libraries do not advocate the ideas found in their collections. The presence of books and other resources in a library does not indicate endorsement of their contents by the library.

A variety of private organizations promulgate rating systems and/or review materials as a means of advising either their members or the general public concerning their opinions of the contents and suitability or appropriate age for use of certain books, films, recordings, or other materials. For the library to adopt or enforce any of these private systems, to attach such ratings to library materials, to include them in bibliographic records, library catalogs, or other finding aids, or otherwise to endorse them would violate the Library Bill of Rights.

While some attempts have been made to adopt these systems into law, the



constitutionality of such measures is extremely questionable. If such legislation is passed which applies within a library's jurisdiction, the library should seek competent legal advice concerning its applicability to library operations.

Publishers, industry groups, and distributors sometimes add ratings to material or include them as part of their packaging. Librarians should not endorse such practices. However, removing or obliterating such ratings-if placed there by or with permission of the copyright holder-could constitute expurgation, which is also unacceptable.

The American Library Association opposes efforts which aim at closing any path to knowledge. This statement, however, does not exclude the adoption of organizational schemes designed as directional aids or to facilitate access to materials.

Adopted July 13, 1951. Amended June 25, 1971; July 1, 1981; June 26, 1990, by the ALA Council.

[ISBN 8389-5226-7]

## APPENDIX N

### **THE UNIVERSAL RIGHT TO FREE EXPRESSION**

#### ***An Interpretation of the Library Bill of Rights***

Freedom of expression is an inalienable human right and the foundation for self-government. Freedom of expression encompasses the freedoms of speech, press, religion, assembly, and association, and the corollary right to receive information.

The American Library Association endorses this principle, which is also set forth in the *Universal Declaration of Human Rights*, adopted by the United Nations General Assembly. The Preamble of this document states that "...recognition of the inherent dignity and of the, equal and inalienable rights of the all members of the human family is the foundation of freedom, justice, and peace in the world. . ." and "...the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people..."

Article 18 of this document states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive impart information and ideas through any media regardless of frontiers.

Article 20 states:

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

We affirm our belief that these are inalienable rights of every person, regardless of origin, age, background, or views. We embody our professional commitment to these principles in the *Library Bill of Rights* and *Code of Ethics*, as adopted by the American Library Association.

We maintain that these are universal principles and should be applied by libraries and librarians throughout the world. The American Library Association's policy on International Relations reflects these objectives: ". . .to encourage the exchange, dissemination, and access to information and the unrestricted flow of library materials in al formats throughout the world."

We know that censorship, ignorance, and limitations on the free flow of information are the tools of tyranny and oppression. We believe that ideas and information topple the walls of hate and fear and build bridges of cooperation and understanding far more effectively than weapons and armies.

The American Library Association is unswerving in its commitment to human rights and intellectual freedom; the two are inseparably linked and inextricably entwined. Freedom of opinion and expression is not derived from or dependent on any form of government or political power. This right is inherent in every individual. It cannot be surrendered, nor can it be denied. True justice comes from the exercise of this right.

We recognize the power of information and ideas to inspire justice, to restore freedom and dignity to the oppressed, and to change the hearts and minds of the oppressors.

Courageous men and women, in difficult and dangerous circumstances throughout human history, have demonstrated that freedom lives in the human heart and cries out for justice even in the face of threats, enslavement, imprisonment, torture, exile, and death. We draw inspiration from their example. They challenge use to remain steadfast in our most basic professional responsibility to promote and defend the right of free expression.

There is no good censorship. Any effort to restrict free expression and the free flow of information aids the oppressor. Fighting oppression with censorship is self-defeating.

Threats to the freedom of expression of any person anywhere are threats to the freedom of all people everywhere. Violations of human rights and the right of free expression have been recorded in virtually every country and society across the globe.

In response to these violations, we affirm these principles:

- The American Library Association opposes any use of governmental prerogative that leads to the intimidation of individuals which prevent them from exercising their rights to hold opinions without interference, and to seek, receive, and impart information and ideas. We urge libraries and librarians everywhere to resist such abuse of governmental power, and to support those against whom such governmental power has been employed.
- The American Library Association condemns any governmental effort to involve libraries and librarians in restrictions on the right of any individual to hold opinions without interference, and to seek, receive, and impart information and ideas. Such restrictions pervert the function of the library and violate the professional responsibilities of librarians.
- The American Library Association reject censorship in any form. Any action which denies the inalienable human rights of individuals only damages the will to resist oppression, strengthens the hand of the oppressor, and undermines the cause of justice.
- The American Library Association will not abrogate these principles. We believe that censorship corrupts the cause of justices, and contributes the demise of freedom.

Adopted by the ALA Council, January 16, 1991

[ISBN 0-8389-7494-5]

APPENDIX 0

1970, rev. 1981, 9/87, 1/01

**CONFIDENTIAL**

**HAWAII STATE PUBLIC LIBRARY SYSTEM  
PATRON REQUEST FOR REEVALUATION OF LIBRARY MATERIAL**

D  
a  
t  
e  
:

Author: Type of Material:

Title:

Publisher:

Reevaluation requested by:

Telephone:\_Address:

City:\_State: Zip:

Requester represents:

Self:

Organization (Name):

Other group (Identify):

1. How did you learn about the material in question?

2. How much of this material did you read/examine?

3. Have you read any reviews of the material? If "yes", please indicate the name of the reviewer and/or the publication in which it appeared.

4. What do you believe is the theme of the material?

5. To what in the material do you object? (Please be specific, cite pages.)

6. What do you feel might be the result of reading, seeing or listening to this material?

7. Is it suitable for some age groups?

8. Is there anything worthwhile in the material?

9. What would you like us to do about the material?

10. What substitute would you recommend to replace the material?

# DRAFT

## HAWAII STATE PUBLIC LIBRARY SYSTEM INTERNET ACCEPTABLE USE POLICY

The Hawaii State Public Library System (HSPLS) offers free public access to the Internet for educational and informational purposes on specified computers. This policy applies to all patrons of the Hawaii State Public Library System computers or networks.

### Disclaimer

The Library only assumes responsibility for the information provided on the Library home page and has no control over information available through the Internet, other than the content provided on the Library's web site and cannot be held responsible for its content. Users should be aware that the content on the Internet may not necessarily be verified as accurate, current, appropriate, or legal, and that users are solely and personally responsible for their use of this resource. The Library shall have no liability for any direct, indirect or consequential damages related to the information contained therein. The library does not guarantee privacy or confidentiality for the use of Library Internet stations.

In the event of equipment failure, Library staff will work with you to reschedule a time and/or offer alternative sources for information. The Library is not responsible for any damages or loss of data arising from the use of equipment, programs or other library materials.

### Responsibilities of the Hawaii State Public Library System

HSPLS will comply with provisions of State of Hawaii and federal law as they apply to the use of library computers and access to information through the Internet.

In accordance with the federal Children's Internet Protection Act (CIPA), all Library public workstations use filtering software to access the Internet. Adults, defined as being 17 years and older by federal law, may request that library staff disable the filter during their Internet session.

HSPLS seeks to protect the First Amendment rights of its customers and their individual right to privacy. HSPLS maintains customers' records in accordance with the responsible management of the library system's collections and services. HSPLS avoids collecting or retaining records that could unnecessarily compromise the privacy of its customers.

HSPLS's objective is to maximize online resources and, to that end, HSPLS has developed Internet Use Guidelines to allow fair access to the many users who want to use these resources.

Library staff has the authority to limit the number of patrons at the same terminal if the usage is disturbing other patrons or creates a hazard for others.

Library employees are authorized to take prompt and appropriate actions to enforce this Board of Education Policy, the HSPLS Internet Use Guidelines, and/or other provisions of the HSPLS Administrative Rules, as stated or implied herein.

### Responsibilities of Library Customers

It is the individual user's responsibility to demonstrate good judgment, respect for others, and appropriate conduct while using the public library and its resources, including use of Internet resources.

Internet computers are in public areas in HSPLS libraries. By agreeing to the HSPLS Internet Use Guidelines at the beginning of each session, users accept responsibility and acknowledge that some sites may reasonably be deemed offensive to other library patrons, and that images on the screen are visible to a wide audience. Not all content on the Internet is appropriate for viewing by all. Library patrons may be asked to discontinue accessing sites or engaging in other Internet behavior that others may find inappropriate.

Library patrons must use their own active library card for access. All Library patrons are expected to use library resources, including the Internet, in a responsible and courteous manner, consistent with educational and informational purposes for which the resources are provided.

All patrons are expected to abide by the following:

- The Library's Internet stations may not be used for any purpose that violates U.S., state or local laws. Users must respect all copyright laws and licensing agreements pertaining to software files and other resources obtained via the Internet.
- Patrons may not view or display obscenity, child pornography, or other illegal content.
- Library Internet patrons may not attempt to alter or damage computer hardware or software. The Library does not allow for the use of personal software.
- Library equipment may not be unplugged, moved, removed, or otherwise modified. Patrons may not attempt to reconfigure systems or software or in any way interfere with the system set-up
- Patrons may not use the network to make unauthorized entry or hack into other computational, informational, or communication services or resources. Patrons may not invade the privacy of others or engage in any activity that is harassing, defamatory or threatening; or receive or display text or graphics which may reasonably be construed as obscene as defined by law.

All Library patrons must abide by this policy and the Library's Internet Use Guidelines. Violations may result in the loss of Internet use and/or library privileges.

### Use by Minors

The nature of the Internet requires users to exercise critical thinking skills to determine if the content is truthful, relevant, and appropriate. Parents and legal guardians may need to provide guidance for their own children including discussion of their family values.

HSPLS does not serve *in loco parentis* (in place of a parent). Library staff will not provide extensive supervision of children as they explore the Internet. The responsibility for what minors read or view on the Internet rests with their parents or legal guardians, who should instruct their children on what they feel is appropriate.

Although the Library complies with CIPA and provides filtering, no filtering software can control access to all materials that an individual may deem inappropriate. Words, images, or sounds that may be considered inappropriate or offensive by an individual may not be blocked because no filtering software program is 100% effective.

Parents should let their children know if there are materials they do not want them to use and how to use the Internet safely. Parents are encouraged to supervise their child's Internet sessions.

### Response to Prohibited Behaviors and Content

Misuse of a public access computer will result in the loss of computer privileges, potential loss of library privileges, and possible legal action.

### Agreement to Comply with Internet Use Policies

The use of a public access computer at any facility owned or operated by HSPLS is considered acceptance of its Internet use policies.

HSPLS shall develop guidelines for Internet use that are consistent with this policy.

Approved:



# DRAFT WITH MARKUPS

## HAWAII STATE PUBLIC LIBRARY SYSTEM INTERNET ACCEPTABLE USE POLICY

~~The mission of the Hawaii State Public Library System (HSPLS) is to provide Hawaii's residents, in all walks of life, and at each stage of their lives, with access to education, information, programs, and services, and to teach and nurture the love of reading and the habit of life-long learning.~~

~~HSPLS provides access to authoritative online resources via the Internet as part of this mission. The Internet is a worldwide computer network that links users to a massive body of information. The resources that are available via the Internet can expand the libraries' information services well beyond their physical collections.~~

The Hawaii State Public Library System (HSPLS) offers free public access to the Internet for educational and informational purposes on specified computers. This policy applies to all users of the Hawaii State Public Library System computers or networks.  
Disclaimer

~~The Internet is, however, unstructured and unregulated.~~ The Library only assumes responsibility for the information provided on the Library home page and has no control over information available through the Internet, other than the content provided on the Library's web site and cannot be held responsible for its content. Users should be aware that the content on the Internet may not necessarily be verified as accurate, current, appropriate, or legal, and that users are solely and personally responsible for their use of this resource. The Library shall have no liability for any direct, indirect or consequential damages related to the information contained therein. The library does not guarantee privacy or confidentiality for the use of Library Internet stations.

In the event of equipment failure, Library staff will work with you to reschedule a time and/or offer alternative sources for information. The Library is not responsible for any damages or loss of data arising from the use of equipment, programs or other library materials.

### Responsibilities of the Hawaii State Public Library System

HSPLS will comply with provisions of State of Hawaii and federal law as they apply to the use of library computers and access to information through the Internet.

In accordance with the federal Children's Internet Protection Act (CIPA), all Library public workstations use filtering software to access information through the Internet. Adults, defined as being 17 years and older by federal law, may request that library staff disable the filter during their Internet session.

HSPLS seeks to protect the First Amendment rights of its customers and their individual right to privacy. HSPLS maintains customers' records in accordance with the responsible management of the library system's collections and services. HSPLS avoids collecting or retaining records that could unnecessarily compromise the privacy of its customers.

~~HSPLS's Internet computers, network, and facility space are limited.~~ HSPLS's objective is to maximize online resources and, to that end, HSPLS has developed Internet Use Guidelines to allow fair access to the many users who want to use these resources. Library staff has the authority to limit the number of patrons at the same terminal if the usage is disturbing other patrons or creates a hazard for others.

Library employees are authorized to take prompt and appropriate actions to enforce this Board of Education Policy, the HSPLS Internet Use Guidelines, and/or other provisions of the HSPLS Administrative Rules, as stated or implied herein.

### Responsibilities of Library Customers

It is the individual user's responsibility to demonstrate good judgment, respect for others, and appropriate conduct while using the public library and its resources, including use of Internet resources.

Internet computers are in public areas in HSPLS libraries. By agreeing to the HSPLS Internet Use Guidelines at the beginning of each session, users accept responsibility and acknowledge that some sites may reasonably be deemed offensive to other library customers, and that images on the screen may be viewed by a wide audience. Not all content on the Internet is appropriate for viewing by all library customers. Library users may be asked to discontinue accessing sites or engaging in other Internet behavior that others may find inappropriate.

Library patrons must use their own active library card for access. All Library patrons are expected to use library resources, including the Internet, in a responsible and courteous manner, consistent with educational and informational purposes for which the resources are provided.

~~Users are not permitted to invade the privacy of other people or intrude upon their rights. Harassment of library staff or other individuals is prohibited.~~

~~Other prohibited behaviors include, but are not limited to, damaging or disrupting computer resources and networks; changing the settings and configurations of public access computers; use of non-library software on library computers; use of library computers for chat, game playing, and audio and video downloads.~~

All patrons are expected to abide by the following:

- The Library's Internet stations may not be used for any purpose that violates U.S., state or local laws. Users must respect all copyright laws and licensing agreements pertaining to software files and other resources obtained via the Internet.
- Library Internet patrons may not attempt to alter or damage computer hardware or software. The Library does not allow for the use of personal software.
- Library equipment may not be unplugged, moved, removed, or otherwise modified. Patrons may not attempt to reconfigure systems or software or in any way interfere with the system set-up
- Patrons may not use the network to make unauthorized entry or hack into other computational, informational, or communication services or resources. Patrons may not invade the privacy of others or engage in any activity that is harassing, defamatory or threatening; or receive or display text or graphics which may reasonably be construed as obscene as defined by law.

All Library patrons must abide by this policy and the Library's Internet Use Guidelines. Violations may result in the loss of Internet use and/or library privileges.

#### Use by Minors

The nature of the Internet requires users to exercise critical thinking skills to determine if the content is truthful, relevant, and appropriate. Parents and legal guardians may need to provide guidance for their own children including discussion of their family values.

HSPLS does not serve *in loco parentis* (in place of a parent). Library staff will not provide extensive supervision of children as they explore the Internet. The responsibility for what minors read or view on the Internet rests with their parents or legal guardians, who should instruct their children ~~never to give out personal information (including name, address, password, telephone number, and credit card information) online.~~ on what they feel is appropriate and how to safely use the Internet.

Although the Library complies with CIPA and provides filtering, no filtering software can control access to all materials that an individual may deem inappropriate. Words, images, or sounds that may be considered inappropriate or offensive by an individual may not be blocked because no filtering software program is 100% effective.

Parents should let their children know if there are materials they do not want them to use and how to use the Internet safely. Parents are encouraged to supervise their child's Internet sessions.

## Legal and Policy

The First Amendment to the U.S. Constitution does not protect all content. No HSPLS public access computer may be used to view or display obscenity, child pornography, or other illegal content. The legal status of any particular content can be determined only by a court of law with proper jurisdiction.

HSPLS provides filtered access to the Internet in accordance with the federal CIPA (Children's Internet Protection Act) mandate. Adults, defined as being 17 years and older by federal law, may request that library staff disable the CIPA filter during their Internet session.

## Response to Prohibited Behaviors and Content

Misuse of a public access computer will result in the loss of computer privileges, potential loss of library privileges, and possible legal action.

## Indemnification

The availability of information does not constitute endorsement of the content by HSPLS. Users who choose to use the Internet as an information resource do so at their own risk. Not all sources provide information that has been verified to be accurate, complete, current, or legal. HSPLS does not monitor, and has no control, over the information accessed through the Internet and is not responsible for its content. The library system has no means, or statutory authority, to assure that only constitutionally protected material is available on the Internet. The authority to determine what is legal, and what is illegal, rests with others.

Although a federally mandated content filtering program has been implemented on HSPLS Internet computers, no known filtering program is one hundred percent (100%) effective. Words, images, or sounds that may be considered inappropriate or offensive by an individual may not be blocked. Conversely, the same filter may block other constitutionally protected information that a library user may wish to access.

Because customers are the decision makers in using the Internet and by making individual choices, they are responsible for complying with all age and other restrictions governing access to specific sites, as required by content providers. Some commercial sites on the Internet require a fee. These fees and compliance with the rules governing these sites are the sole responsibility of the library user, not HSPLS.

In no event shall HSPLS be liable for lost assets or for any direct or indirect special, punitive, or consequential damages, or any liability to any third party, even if the library is advised of the possibility of such damages, arising from use of its connection to the Internet.

### Agreement to Comply with Internet Use Policies

The use of a public access computer at any facility owned or operated by HSPLS is considered acceptance of its Internet use policies.

HSPLS shall develop guidelines for Internet use that are consistent with this policy.

Approved:

## **ACCESS TO HAWAII STATE PUBLIC LIBRARY SYSTEM FACILITIES**

The Hawaii State Board of Education strongly believes that the Hawaii State Public Library System plays an important role in meeting the education, vocational training and information access needs of our communities. As such, public access to the libraries is critical to meeting these needs. Accordingly, all state libraries to the extent possible shall use their best efforts to expand their hours of operation to include weekend hours. Any exceptions and/or waivers to this policy must be approved by the State Librarian.

Approved: 11/20/12

# **DRAFT**

## **HAWAII STATE PUBLIC LIBRARY SYSTEM WIRELESS SECURITY DISCLAIMER & USE POLICY**

The Hawaii State Public Library System (HSPLS) provides free wireless Internet access via an unsecured wireless network. It is strongly recommended that you do not use our network to transmit personal, financial, or legal data. The library is not responsible for malicious theft or interception of data transmitted over our wireless network.

The library assumes no responsibility for the safety of equipment or for harm done to laptop or smart device configurations, security, or data files resulting from connection to the library's wireless service. Virus and security protection is the responsibility of the wireless user. The library staff may not provide technical assistance and no guarantee can be provided that you will be able to make a wireless connection.

All users of the HSPLS network must also abide by the [Hawaii State Public Library System Internet Acceptable Use Policy](#).

Misuse or abuse of wireless connectivity may result in suspension of Internet and/or library privileges. The library has the right to revoke wireless and Internet privileges for any violation of this policy.